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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,076	03/06/2001	Robert Olan Keith JR.	ABREAU-00108	5086

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,076

Applicant(s)

KEITH, ROBERT OLAN

Examiner

Cam-Linh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 – 50 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 32 of copending Application No. 09/800,566, claims 1 – 42 of copending Application No. 09/799,032, claims 1 – 44 of copending Application No. 09/800,607, claims 1 – 37 of copending Application 09/800,592, and claims 1 – 38 of copending Application No. 09/801, 140.

Claims Comparison Table

'076	'566	'032	'607
Claims			
1,13,25,37,47,49	1	1	1
2-3,14-15,26-27,38-39,48,50			
	3	3	2

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4,16,28,40,	2		1
5,17, 29,41,	8	2	3
6-7,18-19,30-31,42-43,		10	10
8,20,32,44,	3	3	
9,21,33,45,	4	6	7
10,22,34,46,	5	7	8
11,23,36,	6	8	9
12,24,35,	7	9	

Claims Comparison Table (cont.)

'076	"592	'140
Claims		
1,13,25,37,47,49	1	1
2-3,14-15,26-27,38-39,48,50		
	2	
4,16,28,40,	1	1
5,17, 29,41,	1	3
6-7,18-19,30-31,42-43,		
8,20,32,44,	2	6
9,21,33,45,	7	7
10,22,34,46,	8	8
11,23,36,	9	9
12,24,35,	10	10

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Certain limitations including, generating one or more pointers corresponds to a specific node, the pointer links, found in '076 are not found in others. However, they are not patentably distinct from each other because:

- In the copending application, Applicant claims a searchable database that is formatted into a directory tree structure comprising nodes, branches, links, and how to access to the information located in there.
- In the instance applications, Applicant also claims a searchable database that is formatted into a directory tree structure comprising nodes, branches, links, and how to access to the information located in there. Further, Applicant applies the pointer to access corresponding nodes.

Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been prima facie obvious to one with ordinary skill in the art at the time the invention was made to broaden the invention because this provides a wider application of the invention with no additional cost in development.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Specification

3. The disclosure is objected to because of the following informalities: Applicant is requested to submit the status of all related application that submitted in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 4 – 7, 13, 16 – 19, 25, 28 – 31, 37, 40 – 43, 47 are rejected under 35 U.S.C. 102(a) as being anticipated by East et al (U.S. 6,185,569).

♦ As per claim 1, 13, 25, 37, 47,

East et al discloses a method of organizing data within a searchable database comprising:

- “Generating a directory tree structure, therein the directory tree structure includes nodes comprising a designated category for each node and branches comprising links between the nodes” See Fig. 2, col. 2 line 18 – 32.
- “Generating one or more pointers, wherein each pointer corresponds to a specific node and the pointer links the specific node to an item of data” See Fig. 2, col. 2 line 42 – 55.
- “Each pointer is categorized by a navigation path through the directory tree structure and by one or more set parameters, wherein the parameters are specific to the node” See Fig. 2, where the pointers is categorized by a navigation path such as left or right pointer, and the parameter in each node is uniquely identified (See col. 2 line 56 – col. 3 line 16).
- “All items of data linked to the specific node by the corresponding pointers of the specific node are related to the designated category of the specific node” See

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Fig. 2, where items in nodes 214 – 216 are linked to the specific node 212, by the corresponding pointer 222, 242, 232...

♦ As per claim 4 - 5, 16 – 17, 28 – 29, 40 – 41, East discloses:

- "Navigating the directory tree structure and selecting a corresponding pointer to access a particular item of data within the searchable database" See Fig. 4, element 435 – 442, col. 8 line 64 – col. 9 line 5.
- "A user input command" (col. 8 line 29 – 31) corresponds to "a hierarchical tree search".

♦ As per claim 6, 18, 30, 42, East discloses:

- "Nodes within the directory tree structure are added, edited, or deleted" See col. 7 line 63 – 67, Fig. 5.

♦ As per claim 7, 19, 31, 43, East discloses:

- "Links and pointers within the directory tree structure are added, redirected, or deleted" See Fig. 5, col. 10 line 33 – 50.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 – 3, 8 – 12, 14 – 15, 20 – 24, 26 – 27, 32 – 36, 38 – 39, 44 – 46, 48 - 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over East et al (U.S. 6,185,569) in view of Drucker et al (U.S. 6,292,796).

♦ As per claim 2, 14, 26, 38,

East et al. discloses a method of organizing data within a searchable database as discussed above, but does not clearly teach each node within the directory tree structure includes a corresponding HTML address.

However, Drucker, on the other hand, discloses a method for searching documents in a plurality of databases (Fig. 4, element 414). Documents are organized in a hierarchical order (See Fig. 6A-C, col. 10 line 12 – 20). Drucker teaches a method of accessing documents by the URLs, which is the address of the document from a specific node. Therefore, each node in Drucker reference must include an HTML address for accessing information.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Drucker, and use the HTML addressing schema in the system of East, because the system of Drucker provides great benefits in accessing data by using a browser application (See col. 1 line 35 – 46 of Drucker). The combination of Drucker and East produces an easy search engine for users, where the user does not have to be familiar with the system and does not have to have a lot of time for a search query.

♦ As per claim 3, 8, 15, 20, 27, 32, 39, 44, 48, the combination of East and Drucker discloses:

- “The item of data is web-based multimedia including one or more audio...formatted text” See Fig. 6A-C, col. 10 line 1 – 54, Drucker.

♦ As per claim 9, 21, 33, 45, the combination of East and Drucker discloses:

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- "The searchable database is distributed into more than one physical location"

See Fig. 5, element 516, col. 9 line 26 – 28, Drucker.

♦ As per claim 10 – 12, 22 – 24, 34 – 36, 46, the combination of East and Drucker discloses:

- "Generating a directory tree structure and generating one or more pointers are performed by a server" See col. 15 line 38 – 59, Drucker.
- "Establishing an Internet connection with the server" See Col. 15 line 21 – 37, Drucker.
- "The Internet connection is established with a computer system at a remote location from the server" See Col. 15 line 21 – 37, Drucker.

♦ As per claim 49 – 50, the combination of East and Drucker discloses:

Claims 49 – 50 are rejected based on the rejection of claims 1- 12 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Snow et al (U.S. 6,098,066) discloses a method and apparatus for searching for documents stored within a document directory hierarchy.
- Danish et al (U.S. 6,327,588) discloses a method and system for executing a guided parametric search.
- Beall et al (U.S. 6,484,165) discloses a method and system for database manipulation.

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- Paul P. Vagnozzi (U.S. 6,499,033) discloses a database method and apparatus using hierarchical vector index structure.
- Ryan et al (U.S. 6,421,675) discloses a search engine.
- Snow et al (U.S. 6,185,550) discloses a method and apparatus for classifying documents within a class hierarchy creating term vector, term file and relevance ranking.
- Powers et al (U.S. 5,442,784) discloses a data management system for building a database with multi-dimensional search tree nodes.
- Yoshida et al (U.S. 6,212,518) discloses a system and method for retrieval of data from related databases based upon database association model.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen
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A handwritten signature in black ink, consisting of a stylized 'S' followed by a series of connected loops and a long horizontal stroke extending to the right.

**SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**